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Remarks

The present response is to the Office Action mail the above-referenced case on March 25, 2004. Claims 1-4 are presented for examination. The Examiner has rejected claim 2 under 35 U.S.C. 112 due to informalities. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agusta (U.S. 6,584,192), hereinafter Agusta, in view of Bogart et al. (U.S. 6,163,607), hereinafter Bogart. Claim 3 is indicated by the Examiner as reciting allowable subject matter.

Applicant has carefully studied the prior art references provided by the Examiner, and the Examiner's rejections and statements of the instant Office Action. In response to the Examiner's 112 rejection of claim 2, applicant herein amends the claim to overcome the rejection. Regarding the merit rejection of applicant claims, applicant herein provides argument that not all of limitations of applicant claims are taught or suggested in the prior art references, either singly or combined. Applicant points out and argues the key and patentable aspects of applicant's invention regarded as patentable, as recited in the language of the claims, and to establish that the claims distinguish unarguably over the prior art.

Regarding claims 1 and 4, the Examiner has stated that Agusta teaches the steps of: in response to a task to be serviced, ascertaining all agent skills relevant to process the task out of a set of n defined skills (col. 1, claims 48-52); establishing a skill expression that defines a logical relationship between all skills relevant to service the task (col. 1, lines 52-65). The Examiner further states that Agusta utilizes a different algorithm for selecting an agent to service a task in a skills-based routing system, adding that the normalized

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proficiency is calculated by summing an agent's proficiency level for each of the skills in a qualified skill state and subtracting from that value the sum of the proficiencies for the same skills.

The Examiner has relied on the reference of Bogart for teaching an algorithm to calculate a skill weight for each relevant skill that represents the relative importance of the skill in the skill expression, deriving a score for each agent qualified to service the task based on the calculated skill weights, and selecting an agent to service the task from the set of qualified agents according to the scores of each qualified agent. Applicant respectfully disagrees with the Examiner's interpretation of the teachings of Bogart, for reading on the limitations not specifically disclosed or suggested in Agusta.

As stated by the Examiner, Bogart teaches a formula that weights the agent's individual service profile based on the type of transaction represented by the arrived call (col. 5, line 10 through col. 7, line 2), and selecting an agent to service the task from a set of qualified agents according to the scores of each qualified agent (col. 2, lines 51-54). The Examiner has further stated that it would be would be obvious that every system would use a different algorithm/formula to calculate a proficiency level or skill weight and deriving a score for each qualified agent to service the task, and the end result would be to select an agent to service the task from the set of qualified agents according to the score of each qualified agent.

Firstly, applicant wishes to emphasize that it is the claims that must be examined in light of the prior art, not the problem sought to be solved. The rather common practice of Examiner's and rejecting claims because prior art teaches alternative inventions that might accomplish the same or similar purpose is disingenuous, and should be discouraged. For an obviousness rejection, all of the actual elements of the claim invention must be disclosed or

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suggested in the combined prior art. Obviousness cannot be established by combining the teachings of the combined art to produce the claimed invention, absent some teaching or suggestion supporting the combination.

The combined art to not produce applicant's claimed invention because the algorithms of Bogart, as stated by the Examiner, weights the agent's individual service profile based on the type of transaction represented by the arrived call, not each individual skill in a set of skills required for servicing the task, as is specifically recited in applicant's claims, and taught in applicant's invention. Bogart simply does not provide sufficient teaching to the weighting of each relevant skill in a set of defined skills. Bogart does teach weighting the proficiencies of the agent skills overall, but does not teach weighting each relevant skill according to it's importance to servicing the task.

Applicant's claim 1 specifically recites ascertaining all agent skills relevant to process the task out of a set of n defined skills, establishing a skill expression that defines a logical relationship between all skills relevant to service the task, calculating a skill weight for each relevant skill that represents the relative importance of the skill in the skill expression. Applicant's invention teaches determining agents that possesses all of the relevant skills, represented by n defined skills in the claim language, and assigning the skill weight for each skill, and summing the total of the calculated skill weights. It is important for applicant to point out to the Examiner that applicant's teaching pertaining to the relative importance of the skill, pertains to the skills required to service the task, and does not necessarily pertain to the specific agent's skills.

Bogart simply provides no sufficient teaching for weighting each of the skills of the defined skill set required for servicing the task; rather, Bogart teaches weighting the overall proficiency of the agent skills overall, which

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clearly does not read on applicant's specific limitations as argued above. Although the combined art does teach that the end result is selecting an agent to service the task from a set of qualified agents according to the scores of each qualified agent, it is the manner in which applicant's invention arrives at the score of each qualified agent, which clearly distinguishes applicant's invention over the combined art. The references could not produce applicant's claimed invention because neither reference teaches or suggests establishing a skill expression that defines a logical relationship between all skills relevant to service the task, or weighting each of the individual skills in the n defined set of skills representing the relative importance, or priority, of the skill in the skill expression, and deriving a score for each agent qualified to service the task, based on the summation of the calculated skill weights of each of the skills in the defined set of skills.

Applicant therefore strongly believes that claim 1 is clearly and unarguably patentable over the combined art for the reasons argued above. Applicant's independent claim 4 recites the patentable limitations argued above by applicant on behalf of claim 1. Depending claim 2 has been herein amended by applicant to overcome the Examiner's rejection of the claim due to informalities. Applicant has further slightly amended the claims adding the correct punctuation where needed, and letter naming of the method steps in independent claims 1 and 4. Independent claims 1 and 4 are then patentable over the combined prior art, and depending claims 2 and 3 are then patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable as amended over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested

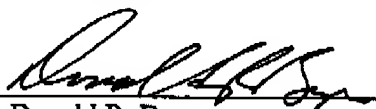
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with this amendment, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,

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by



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